IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION No. 4:23-CV-77--BO

FORMA AI INC.,)	
	Plaintiff,)	
V.)	SCHEDULING ORDER
TWIC, INC.,)	
	Defendant.)	

This matter is before the court with regard to the joint Rule 26(f) Report ("discovery plan") submitted by the parties. [DE-10]. The parties' discovery plan is APPROVED and ORDERED, as modified herein, with the following critical deadlines:

- 1. If the parties have not already done so, as agreed between the parties, they will make the initial disclosures required by Fed. R. Civ. P. 26(a)(1) by **August 7, 2023**.
- 2. Motions to join additional parties or to amend pleadings must be made promptly, and in no event later than **September 29, 2023**. Nothing in this order shall relieve a party of any requirement to obtain court approval prior to joining a party or amending its pleadings.
- 3. Disclosure of expert witnesses and reports are due from the party with the burden of proof on an issue by **February 15, 2024**, and disclosure of opposing and/or responsive experts and reports are due by **March 15, 2024**.
- 4. All discovery shall be completed no later than **April 15, 2024**.
- 5. All potentially dispositive motions shall be filed by **May 15, 2024**.
- 6. The trial date and related deadlines will be set in a separate order by United States District Judge Terrence W. Boyle. However, the court reserves the right to schedule the case for trial as soon as 30 days after the dispositive motion deadline.

Any party making an appearance after this order has been entered shall be required to confer with the other parties and make disclosures pursuant to Fed. R. Civ. P. 26(a)(1) within

twenty-one (21) days after the party's appearance. Such party shall be bound by the terms of this order unless the party moves for and obtains amendment of this order by the court.

Supplementation under Rule 26(e) must be made as prescribed by the Federal Rules of Civil Procedure, unless otherwise ordered by the court.

Under Fed. R. Civ. P. 29(b) the parties may stipulate to extensions of time to respond to discovery and do not need to seek court approval unless the proposed extension would interfere with the time set for completing discovery, for hearing a motion, or for trial. Motions for extensions of time to respond to discovery that could be addressed through a stipulation will be viewed with disfavor by the court.

This case is subject to mandatory mediation, pursuant to Local Civil Rule 101.1a(b). If the parties are able to agree on a mediator, they shall file a statement identifying the selected mediator and meeting the other applicable requirements within 21 days after the entry of this order, in accordance with Local Civil Rule 101.1c(a). If a statement is not timely filed, the Clerk will appoint a mediator from the list of court-certified mediators, in accordance with Local Civil Rule 101.1c(b). Upon request, this court will assist with settlement negotiations or other ADR by making available a judge other than the trial judge to explore these possibilities.

On consent of all parties, and with the concurrence of the District Judge, this case may be referred to a Magistrate Judge for jury or bench trial, as appropriate, with a peremptory trial setting and the right of direct appeal to the Fourth Circuit. A copy of the consent form may be obtained from the Clerk. The parties are free to withhold consent without adverse substantive consequences. Fed. R. Civ. P. 73(b)(2).

Preparation of the final pretrial order is governed by Local Civil Rule 16.1, and the parties shall submit the pretrial order in the form described in Local Civil Rule 16.1(c) and (e).

The remaining portions of the discovery plan that are not inconsistent with this Scheduling Order are approved and adopted by the court.

SO ORDERED, this 17th day of July, 2023.

Brian S. Meyers

United States Magistrate Judge